

LAKE SUNAPEE COUNTRY CLUB DEVELOPMENT CORPORATION

Petition for Exemption Pursuant to RSA 362:4

Prehearing Conference Order

O R D E R N O. 23,591

November 20, 2000

APPEARANCES: Gallagher, Callahan & Gartrell by Seth Shortlidge, Esq., for Lake Sunapee Country Club Development Corporation; Sheehan Phinney Bass + Green by John E. Peltonen Esq., for The Seasons Condominium Association and Lynmarie Cusack, Esq., on behalf of the Staff of the New Hampshire Public Utilities Commission.

I. INTRODUCTION & BACKGROUND

On September 15, 2000, Lake Sunapee Country Club Development Corporation (Sunapee or the Petitioner) filed for an Exemption pursuant to RSA 362:4 with the New Hampshire Public Utilities Commission (Commission). The petition asserts Sunapee, a sewer provider, has less than 10 customers and should be exempt from Commission regulation. As a result of the petition, an Order of Notice was issued setting a Prehearing Conference for October 31, 2000. The Order of Notice indicated that the Petitioner's filing raised constitutional concerns regarding the definition of a public utility and reserved its right to seek a declaratory judgment should an exemption be denied.

On October 25, 2000, the Commission received a petition to intervene from the Seasons Condominium Association

(Association). The Association argued in the request for intervention that an exemption was not appropriate as Sunapee served 10 or more consumers.

There were no objections at the Prehearing Conference to the request for intervention by the Association. The parties summarized their positions for the record. Commissioner Brockway requested that the Parties and Staff meet in the technical session following the Prehearing Conference and develop a proposed procedural schedule for the remainder of the docket.

II. PROPOSED SCHEDULE

The parties agreed to and submit the following procedural schedule:

2000	Data Requests to the Petitioner by Staff and Intervenor	November 21,
2000	Data Responses	December 12,
	Technical Session	December 19, 2000
	2 nd round of data requests	December 22, 2000
	Data Responses	January 09, 2001
	Staff and Intervenor Testimony	January 23, 2001
	Data requests on Staff and Intervenor Testimony	January 30, 2001

Rebuttal Testimony	February 20, 2001
Data Responses	February 13, 2001
Settlement Conference	February 23, 2001

Hearing on the merits

March 20, 2001

Post Hearing Briefs

April 03, 2001

III. COMMISSION ANALYSIS

We have reviewed the proposed procedural schedule and believe that the dates as proposed through the December 19, 2000 technical session are reasonable. We have some concerns over the length of the remaining schedule given the costs of protracted litigation. Accordingly, we believe it is in the best interests of both the Company and the interveners to come to the technical session prepared to agree to a stipulation of facts. We will have a hearings officer available on December 19, 2000 to assist Staff and the Parties in their efforts to reach a stipulation on the facts and propose a schedule for the remainder of the case.

Based upon the foregoing, it is hereby

ORDERED, that the Seasons Condominium Association is granted intervenor status in this proceeding; and it is

FURTHER ORDERED, that the proposed procedural schedule submitted by the parties is GRANTED in part and denied as to the remainder; and it is

FURTHER ORDERED, that the Parties and Staff come to the December 19, 2000 technical session prepared to submit to

a stipulation of fact.

By order of the Public Utilities Commission of New
Hampshire this twentieth day of November, 2000.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary